

IN THE UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

In re

TIMOTHY DONALD EYMAN,

**Debtor.**

Case No.: 18-14536-MLB

**[PROPOSED] ORDER APPROVING  
SETTLEMENT OF ADVERSARY  
PROCEEDING, ALLOWING  
ABANDONMENT OF CERTAIN  
PROPERTY, AND AUTHORIZING SALE  
OF REAL PROPERTY FREE AND CLEAR  
OF LIENS AND OTHER INTERESTS**

THIS MATTER came before the Honorable Marc Barreca upon the Trustee's Motion for Order Approving Settlement of Adversary Proceeding, Allowing Abandonment of Certain Property, and Authorizing Sale of Real Property Free and Clear of Liens and Other Interests ("Motion"), Dkt. \_\_\_. The Court finds that Notice of the Trustee's Motion was properly and timely given to the parties entitled to notice, as evidenced by the Declaration of Mailing on file with the Court. The Court has considered the pleadings filed in support of the Motion, responses filed thereto (if any), and the records and files in the above-referenced case, and has determined that good cause exists for the requested relief to be granted. THEREFORE, it is hereby:

**ORDER APPROVING SETTLEMENT, ALLOWING  
ABANDONMENT OF CERTAIN PROPERTY, AND  
AUTHORIZING SALE OF REAL ESTATE - 1**

*SCHWEET LINDE & COULSON, PLLC*

575 S. MICHIGAN ST.  
SEATTLE, WA 98108

P (206) 275-1010 F (206) 381-0101

1 ORDERED, ADJUDGED and DECREED that the Settlement Agreement, attached hereto  
2 as Exhibit 1 is approved; and it is further

3 ORDERED, ADJUDGED and DECREED that the Trustee is authorized to abandon certain  
4 personal property pursuant to §554, which property is listed in Exhibit A to the Settlement  
5 Agreement attached hereto as Exhibit 1; and it is further

6 ORDERED, ADJUDGED and DECREED that, per the terms of the Settlement Agreement  
7 attached hereto as Exhibit 1 and Real Estate Purchase and Sale Agreement attached as Exhibit 2,  
8 the Trustee is authorized to the sell to Karen Williams via quit claim deed the real property located  
9 at 11913 59<sup>th</sup> Ave. W., Mukilteo, WA 98275 and legally described as follows (the "Property"):

10 LOT 5, ONE CLUB HOUSE LANE, DIV. 6, ACCORDING TO THE PLAT THEREOF,  
11 RECORDED IN VOLUME 57 OF PLATS, PAGES 258 THROUGH 270 INCLUSIVE,  
12 RECORDS OF SNOHOMISH COUNTY, WASHINGTON. SITUATE IN THE  
COUNTY OF SNOHOMISH, STATE OF WASHINGTON.

13 Tax Parcel Number: 00834700000500.

14 and it is further

15 ORDERED, ADJUDGED and DECREED that for purposes of 11 U.S.C. §363(m), the  
16 Settlement Agreement and Real Estate Purchase and Sale Agreement were executed by the  
17 parties in good faith after mediation; and it is further

18 ORDERED, ADJUDGED and DECREED that per the terms of the litigation guarantee  
19 submitted by the Trustee in support of the Motion, the sale of the Property by the Trustee shall  
20 be subject to applicable unpaid general and special taxes owing against the Property, as the  
21 Trustee and Karen Williams have agreed that said taxes, utilities, and similar charges shall be the  
22 responsibility of Karen Williams; and it is further

23 ORDERED, ADJUDGED and DECREED that the Property shall be sold free and clear of  
24 the lien of the Deed of Trust in favor of U.S. Bank National Association, successor to U.S. Bank  
25 National Association N.D. ("U.S. Bank"). recorded under Snohomish County Auditor's File  
26

ORDER APPROVING SETTLEMENT, ALLOWING  
ABANDONMENT OF CERTAIN PROPERTY, AND  
AUTHORIZING SALE OF REAL ESTATE - 2  
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1 Number 200807080035 (exception 2). Further, in the Debtor's bankruptcy schedules, the Debtor  
2 listed no secured debt owed on the Property in favor of U.S. Bank. Upon filing updated schedules  
3 on January 1, 2022, the Debtor again listed no secured debt in favor of U.S. Bank. Having received  
4 notice of this motion to sell free and clear, U.S. Bank has failed to respond to this motion with  
5 satisfactory evidence that it is still owed a secured obligation. Accordingly, the lien of U.S. Bank  
6 against the Property will not attach to any of the sale proceeds. And it is further  
7

8 ORDERED, ADJUDGED and DECREED that the Property shall be sold free and clear of:  
9

10 (1) the lien of the *lis pendens* recorded under Snohomish County Auditor's File Number  
11 202004090645 (exception 3); and (2) the terms and conditions of that certain Divorce Decree  
12 between the Debtor and Karen Williams entered by the Snohomish County Superior Court in Case  
13 Number 22-3-00392-31 (exception 4). And it is further

14 ORDERED, ADJUDGED and DECREED the Property shall be sold subject to all of the  
15 remaining exceptions included in the litigation guarantee submitted in support of the Motion. And  
16 it is further

17 ORDERED, ADJUDGED and DECREED that the Trustee is authorized to execute any  
18 documents necessary to effectuate the the terms of this order.

19 //END OF ORDER//  
20  
21  
22 Presented By:  
23  
24  
25 Thomas S. Linde, WSBA#14426  
Michael M. Sperry, WSBA#43760  
Latife H. Neu, WSBA#33144  
26 Attorneys for Virginia Burdette, Chapter 7 Trustee

ORDER APPROVING SETTLEMENT, ALLOWING  
ABANDOMENT OF CERTAIN PROPERTY, AND  
AUTHORIZING SALE OF REAL ESTATE - 3  
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ORDER APPROVING SETTLEMENT, ALLOWING  
ABANDONMENT OF CERTAIN PROPERTY, AND  
AUTHORIZING SALE OF REAL ESTATE - 4

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